

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

MAY 22 2007

Mercury Marine Group, a division of)
Brunswick Corporation)
Plaintiff,)
v.)
ASI Environmental, Inc., d.b.a. Boats)
Unlimited NY; Michael Clare;)
Carol Clare; and Joseph Gigliotti,)
Defendants)

6:05 CV 1547
nam/gjd

STIPULATED ORDER OF SETTLEMENT

In view of the Summons and Complaint, as filed by the Plaintiff and served on all Defendants, Answering papers filed by each Defendant hereing and served on Plaintiff; and in view of Depositions of Defendant Joseph Gigliotti, Defendant Michael Clare and Defendant Carol Clare and other discovery taken; the parties have agreed as follows:

Plaintiff Mercury Marine division of Brunswick Corporation agrees to terminate this litigation under the conditions stipulated herebelow:

(1) Each of said Defendants agrees to refrain from ever using any of Brunswick Corporation's trademarks on any signage, websites, advertisements, displays, or documentation, including but not limited to letterheads, service memos, business cards, and any other items that promote or are intended to promote any business owned or controlled by such Defendant, with the exception of MOTORGUIDE or QUICKSILVER which must be in standard font only;

(2) Each of said Defendants agrees to refrain from participating by himself or through another, directly or indirectly, in any disparaging use or tarnishment of any business name or trade mark of Brunswick Corporation or Mercury Marine;

(3) Any breach of any breaching Defendant of either clause (1) or clause (2) hereinabove shall create a liability to Plaintiff in such defendant with liquidated damages of \$50,000. This Court shall retain jurisdiction over this matter for the purpose of enforcement of this clause;

(4) This action is dismissed as to Defendant Carol Clare.

Mercury Marine division of Brunswick Corporation

William D. Lanyi, Director of Intellectual Property

(Date)

Defendants:

Joseph Gigliotti

5/8/07
(Date)

Michael Clare

5/12/07
(Date)

Carol Clare

5/12/07
(Date)

For ASI Environmental, Inc

Michael Clare, President *Former*
Company's defendant

5/12/07
(Date)

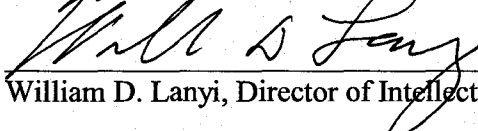
So Ordered:

Norman A. Morphe
May 22, 2007

(3) Any breach of any breaching Defendant of either clause (1) or clause (2) hereinabove shall create a liability to Plaintiff in such defendant with liquidated damages of \$50,000. This Court shall retain jurisdiction over this matter for the purpose of enforcement of this clause;

(4) This action is dismissed as to Defendant Carol Clare.

Mercury Marine division of Brunswick Corporation



William D. Lanyi, Director of Intellectual Property

4-30-07
(Date)

Defendants:

Joseph Gigliotti

(Date)

Michael Clare

(Date)

Carol Clare

(Date)

For ASI Environmental, Inc.

Michael Clare, President

(Date)

So Ordered:
